

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

T. HENLEY GRAVES
RESIDENT JUDGE

**SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947**

July 22, 2010

Edward C. Gill, Esquire
16 North Bedford Street
P. O. Box 824
Georgetown, DE 19947-0824

John W. Donahue, IV, Esquire
Department of Justice
114 East Market Street
Georgetown, DE 19947

RE: State v. Franklin Conaway - Defendant ID No. 1002004507

Dear Counsel:

I have had the opportunity to study Mr. Gill's timely Motion for Modification of Sentence and the contents of the appendix. I have also reviewed the Court's file.

Noteworthy is that Mr. Conaway was represented by Thomas A. Pedersen, Esquire at the time plea negotiations resulted in a guilty plea with a specific recommendation. In light of the Defendant's history, the allegations, and the Defendant's eventual admission to serious multiple felonies, as well as the mitigators, I found the recommendation to be reasonable.

I do not intend to allow the defense to renegotiate. Again, Mr. Conaway got a very fair sentence considering all of the circumstances.

If he wants to attend the program in Malibu, California, he can do so after he completes his sentence and gets permission from probation.

Finally, everyone is aware that a Defendant's record and risk assessment will impact the timing of his entry into the prison rehabilitation programs. The Court does not micro-manage the Department of Correction.

Defendant's Motion for Modification of Sentence is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

THG:baj
cc: Prothonotary